

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 1. DEPARTMENT OF HEALTH SERVICES ADMINISTRATION

#### PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R9-1-413                    | Repeal                   |
| R9-1-414                    | Repeal                   |
| R9-1-415                    | Repeal                   |
| R9-1-416                    | Repeal                   |
| R9-1-417                    | Repeal                   |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statutes: A.R.S. §§ 36-104(3), 36-132(A)(1), 36-132(A)(17), and 36-136(F)  
Implementing statutes: A.R.S. §§ 36-405 and 36-406
- 3. The effective date of the rules:**  
November 22, 2002. The Department of Health Services (Department) is requesting that the repeal of R9-1-413 through R9-1-417, listing various codes and standards, become effective immediately upon filing with the Office of the Secretary of State, as authorized under A.R.S. § 41-1032(A)(4). Immediate effectiveness upon filing will provide a benefit to the public by quickly removing lists of outdated codes and standards from the Department's general rules. The outdated codes and standards listed in the repealed rules are no longer referenced in the rules of any Department program. Removal of the lists of outdated codes and standards is not associated with any rule-violation penalty.
- 4. A list of all previous notices appearing in the Register addressing the final rules:**  
Notice of Rulemaking Docket Opening: 8 A.A.R. 2849, July 5, 2002  
Notice of Proposed Rulemaking: 8 A.A.R. 3011, July 26, 2002
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |   |
|------------|---|
| Name:      | Kathleen Phillips, Rules Administrator  |
| Address:   | Department of Health Services<br>Office of Administrative Rules<br>1740 W. Adams, Suite 102<br>Phoenix, AZ 85007                        |
| Telephone: | (602) 542-1264  |
| Fax:       | (602) 364-1150  |
| E-mail:    | kphilli@hs.state.az.us  |
|            | or  |
| Name:      | Tom Thliveris, Architect  |
| Address:   | Arizona Department of Health Services<br>Division of Assurance and Licensure Services<br>1647 E. Morten, Suite 110<br>Phoenix, AZ 85020 |

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Telephone: (602) 674-4360  
Fax: (602) 861-0463  
E-mail: tthlive@hs.state.az.us

**6. An explanation of the rules, including the agency's reason for initiating the rules:**

In accordance with the five-year review report for 9 A.A.C. 1, Articles 1 through 4, approved by the Governor's Regulatory Review Council as number F-99-0901 on September 14, 1999, the Department is repealing R9-1-413 through R9-1-417.

The Department established the 9 A.A.C. 1, Article 4, listing of codes and standards so that only one rule would have to be revised when a code or standard was updated, instead of having to revise rules for each program using that code or standard. R9-1-413 through R9-1-417 list the following codes and standards:

- Pediatric and maternity standards;
- Standards for:
  - Laboratory procedures,
  - Food and drink, and
  - Communicable disease and infection control; and
- Other operating codes and standards for Title 9 facilities.

Except for the codes and standards listed in R9-1-412, the 9 A.A.C. 1, Article 4, codes and standards have not been updated. R9-1-413, R9-1-415, R9-1-416, and R9-1-417 were last amended in 1981. R9-1-414 was made in 1978 and has not been revised.

The Department determined that it is more convenient to incorporate codes and standards by reference in individual program rules than to list the standard in 9 A.A.C. 1, Article 4. It is more logical to have updated codes and standards appear in the Chapters containing individual program rules than in R9-1-413 through R9-1-417. With the repeal of 9 A.A.C. 10, Article 12 Infirmaries, effective August 9, 2002, Title 9 programs no longer reference any code or standard listed in R9-1-413 through R9-1-417. Repeal of R9-1-413 through R9-1-417 is appropriate.

**7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

**8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(3) this rulemaking is exempt from the economic, small business, and consumer impact statement requirement. Repealing R9-1-413 through R9-1-417 imposes no costs on the regulated community or the general public. The regulated community, the general public, and the Department benefit from repealing these rules.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The Department made a minor correction to the R9-1-417(A) and R9-1-417(B) repealed text. This repealed text was inadvertently transposed in the proposed rules.

**11. A summary of the comments made regarding the rules and the agency response to them:**

The Department did not receive any comments regarding the repeal of R9-1-413 through R9-1-417.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Were these rules previously made as emergency rules?**

The repeal of R9-1-413 through R9-1-417 was not previously accomplished through emergency rulemaking.

**15. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 1. DEPARTMENT OF HEALTH SERVICES  
ADMINISTRATION**

**ARTICLE 4. CODES AND STANDARDS REFERENCED**

Section

- R9-1-413. Pediatric and maternity standards Repealed
- R9-1-414. Laboratory procedures standards Repealed
- R9-1-415. Food and drink standards Repealed
- R9-1-416. Communicable disease and infection control Repealed
- R9-1-417. Operational codes and standards Repealed

**ARTICLE 4. CODES AND STANDARDS REFERENCED**

**R9-1-413. Pediatric and maternity standards Repealed**

- A.** Standards for Obstetric-Gynecologic Hospital Services—1974 edition; published by the American College of Obstetricians and Gynecologists, One East Wacker Drive, Suite 2700, Chicago, IL 60601; as supplemented by:
  - 1. Standards for Ambulatory Obstetric Care, 1977.
  - 2. Neonatal Intensive Care, 1978.
  - 3. Obstetric, Gynecologic and Neonatal Nursing Functions and Standards, 1974.
- B.** Standards and Recommendations for Hospital Care of Newborn Infants—Sixth edition, 1977; published by the American Academy of Pediatrics, P.O. Box 1034, Evanston, IL 60204.
- C.** Care of Children in Hospitals—Second edition, 1971; published by the American Academy of Pediatrics, P.O. Box 1034, Evanston, IL 60204.
- D.** Standards for Day Care Centers for Infants and Children Under 3 Years of Age—(1971); published by the American Academy of Pediatrics, P.O. Box 1034, Evanston, IL 60204.

**R9-1-414. Laboratory procedures standards Repealed**

- A.** Manual of Tests for Syphilis, 1969 Edition; Publication 411 of the United States Public Health Service.
- B.** Standard Methods for the Examination of Water and Wastewater, 14th Edition. American Public Health Association, Washington, D.C., 1976.
- C.** Methods for Chemical Analysis of Water and Wastes, U.S. Environmental Protection Agency, Office of Technology Transfer, Washington, D.C., 1974.
- D.** Methods for Organochlorine Pesticides in Industrial Effluents, MDQARL, U.S. Environmental Protection Agency, Cincinnati, Ohio, 1973.
- E.** Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents, MDQARL, U.S. Environmental Protection Agency, Cincinnati, Ohio, 1973.
- F.** Interim Radiochemical Methodology for Drinking Water, Environmental Monitoring and Support Laboratory EPA-600/4-75-008, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.
- G.** 1976 Annual Book of ASTM Standards, Water and Atmospheric Analysis Part 31, American Society for Testing and Materials, Philadelphia, PA, 1976.
- H.** Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions, H.L. Krieger and S. Gold, ERA R4-73-014. U.S. Environmental Protection Agency, Cincinnati, Ohio, 1973.
- I.** HASL Procedure Manual, Edited by J.H. Harly, HASL 300, EDRA Health and Safety Laboratory, New York, 1973.

**R9-1-415. Food and drink standards Repealed**

- A.** The Vending of Foods and Beverages—1978; published by the U.S. Department of Health, Education and Welfare; Public Health Service Food and Drug Administration, DHEW Publication No. (FDA) 78-2091.
- B.** BISSC Certified Standards of the Baking Industry, as revised through February 1, 1980; published by the Baking Industry Sanitation Standards Committee; 521 Fifth Avenue, New York, NY 10017.
- C.** Standards 1 through 8 and 12, 18, 20, 26, 29, 35, 37 and C-2 of the National Sanitation Foundation Standards as revised through April 1980; published by the Joint Committee on Food Equipment Standards of the National Sanitation Foundation Headquarters; 2355 West Stadium Blvd.; Ann Arbor, MI.
- D.** Recommended Dietary Allowances. A report of the Food and Nutrition Board, National Research Council; 1980 edition; published by the National Academy of Sciences, Washington, D.C.

**R9-1-416. Communicable disease and infection control Repealed**

- A.** Isolation Techniques for Use in Hospitals—D.H.E.W. Publication No. (CDC) 78-8314. Second Edition 1975; U.S. Government Printing Office, Washington, D.C. 20402.

- ~~**B.** Guidelines for Prevention of TB Transmission in Hospitals, D.H.E.W. Publication No. (CDC) 79-8371, 1979; U.S. Government Printing Office, Washington, D.C. 20402.~~

**R9-1-417. Operational codes and standards Repealed**

- ~~**A.** Inhalation Anesthetics in Ambulatory Care Facilities — 1975, Standard No. 56, published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.~~
- ~~**B.** Inhalation Respiratory Therapy — 1976, Standard No. 56B; published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.~~
- ~~**C.** Nonflammable Medical Gas Systems, 1977; Standard No. 56F; published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.~~
- ~~**D.** Medical X-Ray and Gamma-Ray Protection for Energies up to 10 MeV, NCRP Report No. 33, February 1968, published by the National Council on Radiation Protection and Measurements, 4101 Connecticut Avenue, N.W., Washington, D.C. 20008.~~